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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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8 PATRICIA A. MCCOLM,

No. C 09-04132 SI

9 Plaintiff,

**ORDER DENYING MOTION FOR  
MODIFICATION OF ORDER**

10 v.

11 FOREMOST INSURANCE CO,

12 Defendant.  
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14 The nonexpert discovery cutoff date in this case was March 31, 2011. Doc. 36. Defendant  
15 Foremost Insurance Company has attempted to work with plaintiff to schedule a deposition since July  
16 2010. *See* Doc. 160 at 2. Ultimately, defendant noticed a deposition for the end of March 2011 and then  
17 complied with a request by plaintiff Patricia McColm to change the location of the deposition. *Id.* The  
18 deposition did not take place.

19 On May 3, 2011, rather than dismissing the complaint or ordering sanction as requested by  
20 defendant, the Court granted plaintiff one more opportunity to allow herself to be deposed. *Id.* at 2–3.  
21 The Court required that the deposition be completed by May 19, 2011, rescheduled a variety of other  
22 dates in the case including trial, and noted to plaintiff that no extensions of time would be granted for  
23 any reason.

24 On May 15, 2011, plaintiff requested a modification of the May 3 order compelling her to appear  
25 at a deposition. She asks for an extension of time because she is required to be in court in Trinity  
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1 County California this week on a pending criminal matter.<sup>1</sup>

2 Plaintiff has long been aware of the pending criminal matter. Nonetheless, she waited until long  
3 after the discovery cutoff date to schedule her own deposition. It was not until the Court ordered her  
4 to make herself available that she scheduled the deposition, and even then she scheduled the deposition  
5 for the last two days permitted. The Court stated in its order that no extensions of time would be  
6 granted, and no extensions of time will be granted. Plaintiff's motion is DENIED. The Court's May  
7 3, 2011 Order (docket 160) remains in effect without modification.

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9 **IT IS SO ORDERED.**

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11 Dated: May 17, 2011



12 SUSAN ILLSTON  
13 United States District Judge  
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25 <sup>1</sup> Plaintiff also indicates that she is required to attend a hearing in this case before  
26 Magistrate Judge Chen on May 18, and that she did not know about that hearing until the end of last  
27 week. That hearing date was scheduled over a month ago, *see* doc. 143; it was referenced in this Court's  
28 May 3 order, *see* doc. 160; and in any event, it has now been vacated.

Finally, and apparently without relation to her modification request, plaintiff states that  
defendant has failed to comply with a discovery order in this case and asks for relief. Plaintiff's motion  
relates to her deposition and requests modification of the May 3 order, and has nothing whatsoever to  
do with defendant's discovery obligations.